

IN THE CLAIMS:

1. (Currently Amended) A device for attaching a fixation element to bone, comprising:

a longitudinal member extending along a longitudinal axis from a proximal end to a distal end and having a channel extending therein adapted for receiving at least a portion of one fixation element; and

a shaft positioned coaxially within and extending along at least a portion of the longitudinal member, at least a portion of the shaft retained within the channel of the longitudinal member and having a distal end configured and adapted to contact at least a portion of the fixation element,

wherein the longitudinal member includes a first cylindrical member for receiving at least one fixation element at the distal end and a second cylindrical member attached coaxially to the first cylindrical member, the first cylindrical member being movable telescopically with respect to the second cylindrical member; and

wherein the longitudinal member is moveable with respect to the shaft to drive the fixation element into bone.

2. (Canceled)

3. (Previously Amended) The device of claim 1, further comprising a spring housed within the channel and engaging the first member for resiliently biasing the first member in the axial direction.

4. (Previously Amended) The device of claim 1, wherein the first and second members are substantially cylindrical and the first member is movable telescopically within the second member.

5. (Previously Amended) The device of claim 1, wherein the first and second members are interlocked in the axial direction.

6. (Currently Amended) The device of claim 1, wherein the first and second cylindrical members have a closed cross-section with ~~shaft is substantially cylindrical and has at least two portions with~~ different diameters.

7. (Original) The device of claim 1, wherein the distal end of the longitudinal member includes a pronged tip for resiliently holding a fixation element therein.

8. (Currently Amended) A device for attaching a fixation element to bone, comprising:

a handle member adapted for being held by a user and having a recess extending therein;

a longitudinal member extending along a longitudinal axis from a proximal end to a distal end and having a channel extending therein adapted for receiving at least a portion of one fixation element, the proximal end of the channel communicating with the recess in the handle member; and

a shaft positioned coaxially and extending within at least a portion of the channel of the longitudinal member, the shaft coupled to the handle at a proximal end, and having a distal end adapted to contact at least a portion of the fixation element when the fixation element is driven into the bone,

wherein the longitudinal member includes a first member for receiving at least one fixation element at the distal end and a second member attached coaxially to the first member, the first member being movable with respect to the second member; and

wherein the longitudinal member is moveable with respect to the shaft so that the distal end of the shaft contacts the head of the fixation element to drive the fixation element into bone;

wherein at least a portion of the first member and at least a portion of the second member extends externally of the recess.

9. (Currently Amended) A device for attaching a bone tack having a head portion and an insertion end to bone, comprising:

a handle adapted for receiving a force from a user, the handle having a recess extending therein;

an elongated outer sleeve having a longitudinal axis, a proximal end, a distal end, and a hollow portion extending along the longitudinal axis between the proximal end and the distal end, the hollow portion of the sleeve communicating with the recess in the handle to form a channel, the sleeve telescopingly moveable with respect to the handle, the elongated outer sleeve adapted to contact ~~hold~~ the head portion of the tack;

a shaft at least a portion of which extends within the channel, the shaft having a proximal end fixedly attached to the handle and a distal end adapted to contact the head of the tack when it is driven into the bone, the shaft also having an enlarged head portion; and

a spring housed within the channel and coaxial with the shaft, the spring engaging the head portion of the shaft and at least one of the sleeve and handle,

wherein when a force is applied to the handle, the channel shortens in length and the distal end of the shaft contacts the head of the bone tack and drives the bone tack into bone.

10. (Withdrawn)

11. (Withdrawn)

12. (Withdrawn)

13. (Withdrawn)

14. (Withdrawn)

15. (Withdrawn)

16. (Withdrawn)

17. (Withdrawn)

18. (Withdrawn)

19. (Withdrawn)

20. (Withdrawn)

21. (Withdrawn)

22. (Withdrawn)

23. (Withdrawn)

24. (Withdrawn)

25. (Withdrawn)

26. (Previously Presented)      The device of claim 8, further comprising a spring housed within the channel and engaging the first member for resiliently biasing the first member in the axial direction.

27. (Previously Presented)      The device of claim 8, wherein the first and second members are substantially cylindrical and the first member is movable telescopingly within the second member.

28. (Previously Presented) The device of claim 8, wherein the first and second members are interlocked in the axial direction.
29. (Previously Presented) The device of claim 8, wherein the shaft is substantially cylindrical and has at least two portions with different diameters.
30. (Previously Presented) The device of claim 8, wherein the distal end of the longitudinal member includes a pronged tip for resiliently holding the fixation element therein.
31. (Previously Presented) The device of claim 9, wherein the elongated sleeve includes a first member for receiving at least one fixation element at the distal end and a second member attached coaxially to the first member, the first member is movable with respect to the second member.
32. (Previously Presented) The device of claim 31, wherein the spring is housed within the channel for engaging the first member for resiliently biasing the first member in the axial direction.
33. (Previously Presented) The device of claim 31, wherein the first and second members are substantially cylindrical and the first member is movable telescopically within the second member.
34. (Previously Presented) The device of claim 31, wherein the first and second members are interlocked in the axial direction.
35. (Previously Presented) The device of claim 9, wherein the shaft is substantially cylindrical and has at least two portions with different diameters.
36. (Previously Presented) The device of claim 9, wherein the distal end of the elongated sleeve includes a pronged tip for resiliently holding the fixation element therein.
37. (Previously Presented) The device of claim 1, further comprising a handle member adapted for being held by a user and having a recess extending therein for receiving the proximal end of the longitudinal member and the shaft.